City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
FINDINGS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 9900477

Applicant Name: Yesler Development Company, LLC.

Address of Proposal: 300 Fifth Avenue

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for future construction of a 17-story building with 276,290 sq. ft. of office space, 4,752 sq. ft. of retail space and 138,098 sq. ft. of garage/parking and service area. Approximately 248 parking stalls would be provided within the building.

The following approvals are required:

Design Review - Chapter 23.41 Seattle Municipal Code (SMC), with design departures for open space and upper level development limits

SEPA – To Approve Condition or Deny - Chapter 25.05, Seattle Municipal Code (SMC)

SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [X] EIS*

[ ] DNS with conditions

[ ] DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

**DRAFT EIS ISSUED MARCH 11, 2004; FINAL EIS ISSUED SEPTEMBER 2, 2004*

BACKGROUND DATA

Site and Vicinity Description

The approximately 0.6-acre site is located in the northeast quadrant of the Yesler Way/5th Avenue intersection. The site has approximately 180 feet of frontage on 5th Avenue, 95 feet of frontage on the elevated Yesler Way, and 120 feet of frontage on the currently unimproved right-of-way on Terrace Street. The site also borders an unimproved alley right-of-way to the east. An unimproved property, the 6th Avenue off-ramp and Interstate 5 are located further to the east.

The site slopes up from west to east, ranging from approximate elevation 95 along the western edge of the site to approximately elevation 135 along the eastern edge of the site.

A pedestrian walkway linking 5th Avenue to Yesler Way is located on and immediately adjacent to the site. This walkway consists of a series of concrete stairs located on the east side of 5th Avenue, within the unimproved Terrace Street right-of-way. From 5th Avenue, the stairs step up to the east and link with an asphalt path leading south to Yesler Way.

The site is currently vacant with the majority of the site in natural grass area. The eastern edge of the site contains the asphalt walkway and scattered evergreen trees.

To the immediate west of the site is 5th Avenue. Further to the west, across 5th Avenue, is the triangular shaped five-story 400 Yesler Building. The seven-story King County Automotive Center parking garage is located on 5th Avenue to the northwest. To the immediate north is a surface parking lot operated by King County. Further to the north, across Jefferson Street, is the 18-story King County Correctional Facility. The new Seattle Municipal Building, 76-story Bank of America Building and the 62-story Seattle Municipal Tower are located further to the north.

To the immediate south of the site is Yesler Way at a higher elevation behind a retaining wall. Further to the south, across Yesler Way, is a surface parking lot (west side of 5th Avenue) and a seven-story condominium building (east side of 5th Avenue). To the southeast, across Yesler Way, is a four-story apartment building and four-story office building with associated surface parking lot. To the immediate east is the unimproved alley right-of-way, an unimproved property, the 6th Avenue on-ramp and Interstate 5. Further to the east, across Interstate 5, is the Harborview Medical Center.

The site is zoned Downtown Office Core Two with a height limit of 240 feet (DOC2-240). Office and retail uses are permitted in the DOC2-240 zone. The "240" portion of the zoning designation indicates the base allowable height. With height bonuses, the maximum allowable height is 288 feet plus an additional 15 feet for mechanical penthouses (SMC 23.49.008 A and C).

Proposal Description

The proposal seeks Master Use Permit approval to allow development of a 17-story building containing 420,565 square feet of office, parking and retail space.

Site development for the proposal would consist of clearing the site of existing vegetation and asphalt walkway paving; excavation of approximately 47,600 cubic yards of earth for parking levels and footings; and temporary shoring. Required earth work immediately adjacent to the site would include excavation of 4,600 cubic yards of the earth to the immediate north of the site for construction of Terrace Street improvements, and 11,500 cubic yards of cut/fill adjacent to the alley right-of-way and other property to the immediate east to provide slope stability.

The proposed building would include 17-stories and contain 420,565 square feet of gross building area consisting of 276,290 square feet of office space, 4,752 square feet of retail space, and 138,098 square feet of garage/parking and service area. The building rooftop would contain several mechanical features, including: a 1,369 square foot mechanical penthouse; and, antenna extending up to five feet above the penthouse level.

The height of the proposed building would be approximately 227 at the roof top (elevation 320 feet above Seattle datum[1]) and 236 feet at the top of the mechanical penthouse (elevation 329 feet above Seattle datum). The building design analyzed in the EIS for wind turbulence was taller, with a roof height elevation of 355 feet above Seattle datum, and a penthouse height elevation of 372 feet above Seattle datum.

The proposed building would include two vehicular entrance points and one exit. The primary vehicle entrance and only vehicle exit would be from Terrace Street to the first floor level. The Terrace Street entrance would lead down to three levels of underground stalls, consisting of long-term parking. The second entrance would be from Yesler Way at the fifth floor level. The Yesler Way entrance would lead to short- and long-term parking stalls located on the third and second floor levels. Vehicles entering the building from Yesler Way would exit to Terrace Street. A total of 248 vehicle parking spaces and three truck loading spaces would be provided within the building.

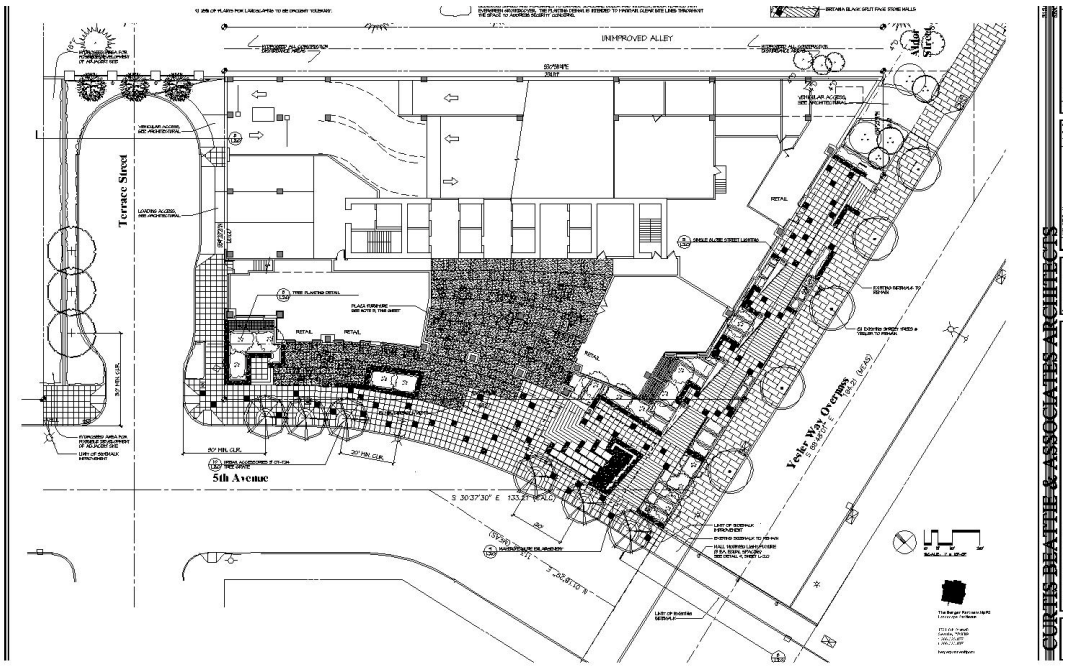
Approximately 6,975 square feet of public amenity features would be provided to enhance the "streetscape" environment of the site. Along 5th Avenue, the building includes 2,209 square feet of urban plaza (approximately 30 feet wide); street trees; and, planter and seating features. An additional 2,521 square feet of plaza area would be provided within an adjacent portion of the 5th Avenue right-of-way. On the portion of the site parallel to Yesler Way, the proposal includes 2,245 square feet of pedestrian facilities designed to replace the existing stair/walkway system on the site. The new pedestrian facilities adjacent to Yesler Way would include a series of steps and landings to provide a convenient walkway link between 5th Avenue and Yesler Way. Planter seating opportunities and street trees would also be provided within this walkway area.

EIS Alternative

The limited scope EIS developed for this proposal compares the applicant's proposal to a no action alternative.

[1] *Seattle Datum is approximately six feet above sea level.*

A site plan and two building elevations are provided for reference.



Site Landscape Plan

Study model. View looking to the east.

Study model. View looking to the northwest.

Public Comments

Public comment was invited at initial application, during the SEPA scoping period (Determination of Significance issued on July 22, 2002 and City of Seattle scoping letter dated October 21, 2002), after publication of the DEIS on March 11, 2004 and at four design review public meetings. Public comment was very limited. The four Design Review Board meetings were sparsely attended by the public; the final Design Review Board meeting was attended by one representative of King County who did not offer any comment. Written comments on the Draft EIS were limited to Harborview Medical Center. The comments from Harborview related to the applicability of the EIS Wind Turbulence Analysis to the proposed lower building height, potential for building glare to affect patient floors and helicopter operations, and the relationship of the construction crane to helicopter flight paths.

ANALYSIS - DESIGN REVIEW

The project was the subject of an Early Design Guidance Public Meeting on March 15, 1999 at which time 6 of the 26 *Interim Downtown Design Guidelines* were identified as high priorities to be considered in the final proposed design, and additional design guidance was offered (see "Priorities" - please note that subsequent to the March 15, 1999 Early Design Guidance Public Meeting, the *"Interim Downtown Design Guidelines"* were adopted by the City of Seattle and are no longer interim). On June 8, 1999 the applicant returned to the Board for a second Early Design Guidance Meeting. The applicant applied for a Master Use Permit, with a Design Review component on September 22, 1999.

On April 22, 2003, the applicant returned to the Design Review Board with a revised project scope and design concept. At this time two design departures were discussed. The applicant submitted revised Master Use Drawings on March 3, 2003. On January 27, 2004 the Design Review Board convened for a Public Meeting regarding this project. At this meeting, site and landscape plans; floor plans; building elevations; renderings and a study model were presented of the proposed building.

The design review priorities identified by the Board at the March 15, 1999 Early Design Guidance Meeting and the June 8, 1999 second Early Design Guidance Meeting as being of greatest importance and specific comments are as follows.

PRIORITIES

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance and identified by letter and number those context, siting and design guidelines found in the City of Seattle *"Interim Downtown Design Guidelines"* pertaining to this project (please note that subsequent to the March 15, 1999 Early Design Guidance Public Meeting and the June 8, 1999 second Early Design Guidance Meeting, the *"Interim Downtown Design Guidelines"* were adopted by the City of Seattle and are no longer interim):

A. CONTEXT

A-1 The project is superior in terms of establishing a superior pedestrian street environment.

To establish a street level perimeter that engages pedestrian activity through architectural treatment and building siting, the Board suggested carrying sidewalk improvements, lighting and general safety and aesthetic design elements underneath the Yesler Way overpass.

A-2 The project is superior in terms of reinforcing the vitality and special character of the part of downtown in which it is located.

The Board identified the site as being highly visible and recommended that a notable exterior finish be applied.

B. SITING

B-1 The project is superior in that it preserves downtown's historic and noteworthy buildings and/or respects the character of such nearby structures in its design.

The site location at a bend in 5th Avenue, proposed buildings mass and form, and the shape of the Yesler Building on the opposite side of 5th Avenue that conforms to the bend in 5th Avenue, create a unique opportunity for the project's siting and massing to conform to the street bend. This would not only reinforce the interesting shift in the street grid, but also serve to complement the Yesler Building's unique shape and serve as an appropriate gateway to the office core.

The Board further recommended that the building meet the sidewalk at Yesler Way with entry points that provide visual interest to engage the pedestrian.

The Board also discussed the positive visual aspects of the previously proposed street vacation. The previously proposed street vacation is no longer included in the current building design.

B-2 The project is superior in the way it provides or preserves light at street level and in the surrounding area.

Adherence to this guideline focuses on treatment of the building where it meets the underpass of Yesler Way. The Board recommended that design treatment to enliven this dead space be explored.

B-3 The project is superior due to the quality of the public spaces it enhances or creates, and the appropriateness of this public space for the location of the project.

The Board supported the concept site plan that suggested a pedestrian-oriented design at 5th and Yesler to incorporate this corner as public open space and define it as a connection to Yesler Way and beyond with a hillclimb linking Yesler Way and 5th Avenue. This corner provides the opportunity to step the façade down to the open space.

C. DESIGN

C-1 The design of the project is superior in its appearance through the use of materials, building composition and scale, and fenestration, color and detailing.

The site's location at the edge of the CBD and its adjacency to Interstate 5 contribute to the proposed structure's prominence as viewed from the south and east. As an important part of the skyline, architectural treatment should consider: sculpting or profiling the facades; distinctive design of the building top; and, a distinctive palette of texture, pattern and color applied to materials.

At the scale of the immediate downtown environment, the project should serve as a gateway to the CBD to the north and as an entryway to Pioneer Square. Materials and features, particularly at the building base, could be employed to reference existing context in this district.

SUMMARY OF EARLY DESIGN GUIDANCE

In general, the Design Review Board felt the concept design was headed in the right direction and felt there were no concept design issues which were problematic.

DESIGN REVIEW RECOMMENDATIONS:

On January 27, 2004 the Design Review Board convened for a Public Meeting regarding this project, at which time site, floor plans, elevations, sections and other presentation materials were presented for the members' consideration.

The Board Recommended Approval of the following two Development Standard Departures:

1. 23.49.009 Open Space – In consideration of the quality of the development of the proposed open spaces (Urban Plaza and Hillside Terrace) and additional development of 2,521 SF of City ROW at Fifth and Yesler, including a public water feature, the Board felt that the requested departure of a reduction of 1,186 of square feet was justified and should be approved.

2. 23.49.078 Upper Level Development – In consideration of the multiple building steps and varying façade treatments, the Board felt that the requested departure to average the floor plates above 125 feet in lieu of a single step back at 125 feet was justified and should be approved.

After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings showing the proposed project, the Design Review Board members recommended **approval of** the two requested development standard departures and the subject **design** with the following **recommended conditions** (all recommendations were by all five members agreeing.) The recommendations summarized below were based on the plans submitted at that meeting. Design, siting, or architectural details not specifically identified or altered in these recommendations are expected to remain as presented at the January 27, 2004 meeting and in the plans on file at DPD at the time of that meeting.

1. The architectural expression, site plan, building and site materials proposed at the January 27, 2004 meeting shall be incorporated, substantially as shown at that meeting, in the buildings as constructed.

2. On the north elevation, the double granite clad columns should extend down through the base structure.

3. On the 17th floor, west facing Terrace, the double round columns should be replaced with single, round columns.

4. The proposed entry canopy was felt to be out of character in utilizing the sweeping curved sections on heavy steel supports. It was recommended to provide a horizontal, more simple and clean expression for the canopy.

5. The expression of the column-like fins on the inset vertical accent element on the east elevation should have a more dominant termination, by extending 5 feet over the maximum elevation of the penthouse roof.

DECISION - DESIGN REVIEW

The Director of DPD has reviewed the recommendations of the Design Review Board and finds that they are consistent with the City of Seattle Design Review Guidelines for Downtown Buildings and that the development standard departures present an improved design solution, better meeting the intent of the Design Guidelines, than would be obtained through strict application of the Seattle Land Use Code.

Therefore, the proposed design is approved as presented at the January 27, 2004 Design Review Board meeting with the recommended development standard departures described below, subject to the Board's recommended design conditions, enumerated above.

Development Standard Departures Conditionally Granted As Follows:

1. 23.49.009 Open Space – reduction of the amount of required open space by 1,186 square feet.

2. 23.49.078 Upper Level Development – departure to average the floor plates above 125 feet in lieu of a single step back at 125 feet.

The Director also requires that the applicant's MUP drawings incorporate the recommendations of the Board and the conditions of the Director, as listed above.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the Draft Environmental Impact Statement dated March 2004 and Final EIS dated September 2004 prepared at the direction of DPD as lead agency. Increased traffic congestion at nearby intersections and potential interference with the safe operation of a public facility (the helipad at Harborview Hospital) were identified and studied as potential significant adverse impacts. Other negative impacts studied included light and glare and land use. The information in the environmental documents, supplemental information provided by the applicant (plans, including landscape plans), comments from members of the community, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. This analysis relies on the Draft EIS and the Final EIS, which document the probable significant adverse impacts likely to be created by the proposal. This decision also makes reference to and incorporates the project plans and other supporting documentation submitted with the project.

The Seattle SEPA ordinance provides substantive authority to require mitigation of adverse impacts resulting from a project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific adverse environmental impacts identified in an environmental document and may be imposed only to the extent that an impact is attributable to the proposal. Additionally, mitigation may be required only when based on policies, plans, and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675, inclusive, (SEPA Overview Policy, SEPA Cumulative Impacts Policy, and SEPA Specific Environmental Policies). In some instances, local, state, or federal requirements will provide sufficient mitigation of a significant impact and the decision maker is required to consider the applicable requirement(s) and their effect on the impacts of the proposal.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*," subject to some limitations. Under specific circumstances (SMC 25.05.665 D 1-7) mitigation can be required.

No Action Alternative

The No Action Alternative in the EIS provides a baseline for comparing the aesthetics, transportation and public service (emergency medical airlift operations) impacts of proposed development. Under the

No Action Alternative, the proposed building and associated facilities would not be built. The existing site condition would continue, including vegetated area, and pedestrian hill climb and walkway.

Short-term (Construction-Related) Impacts

The following temporary or construction-related impacts are expected to result from the proposed development: decreased air quality due to suspended particulates from demolition, building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; potential soil erosion; potential disturbance of contaminated subsurface soils and groundwater during grading, excavation and general site work; increased traffic and demand for parking from construction equipment and personnel; increased noise; temporary utility disruptions; and consumption of renewable and non-renewable resources.

Several adopted City codes and/or ordinances provide mitigation for the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code (controls grading, site excavation, temporary shoring, and soil erosion); the Street Use Ordinance (requires watering streets to suppress dust, removal of debris, and minimizing obstructions of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Control Ordinance (controls construction-related noise). Compliance with these and other local, state, and federal regulations will reduce or eliminate most short-term impacts to the environment.

In most cases these regulations provide adequate mitigation. However, the size, location, and other aspects of this project require that some additional measures be employed to adequately mitigate impacts.

Public Services (Emergency Medical Airlift Operations)

A construction tower crane would be utilized during construction of the proposed building to hoist construction materials. A typical construction crane consists of a mast (crane tower) and boom (horizontal truss extending out approximately 240 feet from the center mast). The construction crane would be located at the western edge of the site along 5th Avenue approximately mid-way between Terrace Street and Yesler Way, and would rise along with building construction. Although the crane mast would be located south of the horizontal Western Approach/Departure Path (as explained in the DEIS), the boom could extend horizontally into the Western Approach/Departure Path, depending on the area of the site receiving construction materials. For example, delivery of construction materials by crane to areas of the site east and south of the crane tower would not result in extension of the boom into the horizontal Western Approach/Departure Path or the established military slope. However, delivery of construction materials by crane to areas of the site north and northeast of the crane tower could result in extension of the boom up to approximately 125 feet into the 500-foot wide Western Approach/Departure Path and approximately four feet vertically into the 10-1 military slope (as explained in the DEIS). The crane would not extend into the 8 to 1 civilian helicopter slope.

To mitigate the potential for conflict between proposed construction crane operation and helicopter approaches to the Harborview helipad, a Helicopter/Tower Crane Operational Procedures Plan would be prepared in conjunction with Harborview Medical Center, Airlift Northwest and, if deemed necessary, with military operators. The Helicopter/Tower Crane Operational Procedures Plan would address the following: schedule for tower crane erection; schedule for tower crane dismantle; hours of operation; non-working hour procedures; heavy wind procedures (swing break); crane lighting provisions; and, helicopter flight communications procedures, including communications between Harborview Medical Center and the crane operator regarding incoming and outgoing flights. The final details of the plan will be defined in conjunction with Harborview Medical Center and helicopter operators and will be approved by Harborview Medical Center prior to commencement of construction. If DPD determines the approved Plan is not being followed, DPD can stop work on the project until such time as it appears likely the Plan can and will be effectively followed. This conditioning is undertaken pursuant to policy authority found in the Public Services and Facilities section of SMC 25.05.675.

Long-Term Impacts — Use-Related Impacts

Several long-term or use-related impacts are anticipated as a result of approval of this proposal including: increased bulk and scale on the site; increased traffic in the area; increased impact on public services (Harborview Helipad) and utilities; increased light and glare; and potential impacts to surrounding land uses.

Height, Bulk and Scale

Construction of the proposed building would result in conversion of an undeveloped site to a 17-story urban office development with street-level retail spaces and three levels of underground parking and two levels of parking built into the hillside. The structure would cover approximately 84 percent of the lot, with approximately 4,454 square feet of on-site public open space including urban plaza area on 5th Avenue and hillside terrace area with public stair case adjacent to Yesler Way. An additional 2,521 square feet of plaza area would be provided within an adjacent portion of the 5th Avenue right-of-way.

The proposed building would have its facades at the sidewalks, in keeping with the existing urban environment of the area. It would include pedestrian scale features on its façade that would distinguish the lower portion of the façade from the upper stories. This would help to create a pedestrian-scale appearance when viewed from the street level. In this sense, it would be similar to the design of the expressed building bases of the nearby Bank of America and Key Towers, as well as the more traditionally designed 400 Yesler building and buildings in the nearby International Special Review District. The street level storefronts would also provide visual relief.

Viewed from the south, southwest and southeast the proposed building would be amidst the other tall downtown buildings that are developed in the vicinity. In this context its height, bulk and scale is not expected to appear excessive. At 17 stories the proposal would provide a visual transition to the much

larger buildings to the north. Viewed from the northeast the building would not appear particularly large within its context, including Harborview Hospital on the hill above the freeway and the other downtown buildings just the north.

The proposed building design has undergone City of Seattle design review and, pursuant the SEPA height, bulk and scale policy (SMC 22.05.675.G), is presumed to satisfy City of Seattle policies regarding height, bulk and scale impacts. The policy states in part at follows. "A project that is approved pursuant to the design review process is presumed to comply with these height, bulk and scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated." There is no reason to rebut this presumption.

Light and Glare

The proposed building would generate the potential for reflective glare to I-5, patient floors of Harborview Medical Center, and helicopter flight paths and landing area associated with Harborview Medical Center. The potential for glare to I-5 and patient floors would be primarily limited to winter months, and morning and late afternoon when the sun's angle is low. The potential for glare affecting helicopter flight paths and landing area would be limited to brief periods when the sun is lower on the horizon than the proposed building. As documented in the FEIS, no significant glare impacts to users of I-5, Harborview Medical Center patient floors, and helicopter flight paths and landing area resulting from the proposed building are anticipated.

Design features incorporated into the building design to reduce the potential for glare include:

- The curved eastern façade would limit the concentration of spot glare;
- Low reflectivity glass would limit the intensity of spot glare; and,
- The use of non-reflective materials on portions of the façade would limit the potential for glare.

No SEPA policy based mitigation of light and glare impacts is warranted.

Traffic

Over the long-term, vehicular and pedestrian traffic will increase as a result of this proposal. A traffic and parking study was prepared by TDA Inc. for the EIS. Sixteen intersections were evaluated. Inclusion of project related traffic adds an estimated 2,066 daily vehicle trips to surrounding streets, with 254 AM peak hour trips and 285 PM peak hour trips. Intersection level of service would change at certain vicinity intersections, including: 1st Ave./Yesler Way; 5th Ave./Jackson St.; 5th Ave./James St; 6th Ave./James St.; 5th Ave./Jefferson St.; and, 5th Ave./Terrace St. In no instance would additional traffic from the proposed building cause an intersection to drop below LOS D.

This expected impact on nearby intersections was, along with potential impacts on Harborview Hospital helicopter operations, led DPD to issue a Determination of Significance in regard to this proposal. It is DPD's conclusion that expected traffic impacts of the proposal are adverse enough to warrant imposition of a Transportation Management Plan pursuant to SEPA Traffic policies.

The following measure to reduce single-occupancy vehicle use was identified in the EIS and will be required (Note many of these measures are also required by SMC 23.49.016.B5):

- Participation in a Transportation Management Plan. This plan will be proposed to and approved by City staff prior to issuance of a Certificate of Occupancy, as provided for in Director's Rule 14-2002. Measures incorporated in the plan to reduce single-occupancy vehicle use may include:

    - Appointing a Building Transportation Coordinator (BTC).
    - Providing a transportation information center.
    - Locating carpool and vanpool spaces convenient to building and elevator entrances.
    - Offering reduced rate parking for carpools and vanpools.
    - Providing on-site, secure bike facilities.
    - Providing on-site lockers and showers. (This makes commuting by bicycle or walking more feasible.)
    - Offering ridematch services through the BTC and through coordinated efforts with Metro/Sound Transit.
    - Charging for parking at market rate to discourage single-occupancy vehicle use.
    - Providing on-site accessory/convenience retail. (These kinds of facilities are important in reducing SOV use. When people can stay on-site to eat and run errands, they feel more comfortable about leaving their cars at home or at a park and ride.)
    - Establishing a guaranteed ride-home program. (These programs are important to inducing people to carpool or use transit. When employees know they can get home in an emergency, they feel more comfortable using alternative commute modes.)
    - Providing a pleasant, comfortable public space, conducive to pedestrian engagement; and providing good pedestrian connections to and through the site.
    - The building design includes access to high speed and new technology lines and access. (This helps companies to work with employees who want to telecommute, reducing the potential number of people who have to drive to work.)

- The TMP Goal for single occupant vehicles shall be 45%.

<u>Parking</u>

Vehicular access to the proposed office building would be from Terrace Street and from Yesler Way. The Terrace Street right-of-way east of 5th Avenue would be improved as a dead-end street ending

contiguous with the eastern site boundary to provide vehicular access to the proposed project. The primary vehicular entrance and only exit would be from Terrace Street. The Yesler Way access would be an entrance only; vehicles entering from Yesler Way would exit via Terrace Street.

City of Seattle zoning code regulations allow parking to be provided within specified ratios of parking spaces to building floor area. For the proposed office space, the minimum parking requirement by code is 210 spaces and the maximum code requirement is 274 spaces. In this downtown location, the proposed retail use is exempt from parking requirements.

The proposed building includes a total of 248 parking spaces. Parking supply would exceed the minimum code requirement of 210 spaces and would be less than the maximum code requirement of 274 spaces. The EIS predicts a parking demand of 430 spaces, 182 more than proposed on the site. The Seattle SEPA Policies provide no authority to mitigate the impact of development on parking availability in downtown zones (SMC 25.05.675.M)

The following measures to further increase parking supply were identified in the EIS and, if implemented voluntarily could act to limit the amount of unmet parking demand:

- Valet parking services would be provided to increase the effective parking supply.

- Building management would coordinate with the parking manager, to maximize parking efficiency throughout properties owned and managed by the proponent.

Public Services (Emergency Medical Airlift Operations)

Buildings create the potential for the generation of air turbulence. The proposed building has been designed to minimize the potential for wind turbulence and downdraft conditions that could negatively affect helicopter flight operations at the Harborview Medical Center helipad.

To analyze the potential for wind turbulence from the proposed building to affect helicopter operations associated with Harborview Medical Center, Robert E. Breidenthal Ph.D. analyzed wind turbulence conditions for the EIS. The wind turbulence analysis indicated that the Western Approach/Departure Path of the Harborview helipad would be within the wake of the proposed building during winds from the south through southwest. However, the frequency and intensity of the potential turbulence and downdraft would not have a significant impact on helicopter operations. Accordingly, the following mitigation measure was identified in the EIS:

- The proposed building has been designed with a simple rectangular shape, simple box-like penthouses, and limited height, to minimize the potential for wind turbulence and downdraft conditions that could negatively affect flight operations at the Harborview helipad (i.e. the proposed building height is 227 feet, significantly less than the 288 foot maximum which could be achieved under the Land Use Code code).

SEPA Public Services and Facilities policy authority (SMC 25.50.675.O) will be exercised to limit the height and shape of a building built to that studied in the EIS.

The EIS analysis further indicated that roof top antenna limited to five feet in height above the penthouse would not affect the building wake. Accordingly, the following mitigation measure was identified in the EIS:

- Antenna height will be limited to five feet above the penthouse level unless additional wind turbulence information regarding the relationship between roof antenna and wind conditions at the Harborview Medical Center helipad is submitted to, and approved by, the City of Seattle.

SEPA Public Services and Facilities policy authority (SMC 25.50.675.O) will be exercised to limit the height of any antenna added to the top of the building roof to five feet.

DECISION – SEPA

DPD has determined that the Final and Draft EIS are adequate for SEPA purposes to understand the impacts of the project. Based upon the above analysis, the Director has determined that mitigating conditions imposed are reasonable and consistent with SEPA and SMC Chapter 25.05 (Environmental Policies and Procedures). This decision was made after review of the completed Draft and Final EIS as well as other information on file with the Department. This action constitutes the lead agency's final decision and has been signed by the responsible official on behalf of the lead agency. Pursuant to State and Local environmental regulations, alternatives to the proposed action meeting the applicants' objectives were considered. All information relied on by the Department and responsible official concerning the proposal and the alternatives is and has been available to the public.

Based upon the above analysis, the Director approves the proposal with conditions.

CONDITIONS - SEPA

Prior to Beginning Construction

1. A Helicopter/Tower Crane Operational Procedures Plan will be prepared in conjunction with Harborview Medical Center, Airlift Northwest and, if deemed by DPD to be necessary, with military operators. The Helicopter/Tower Crane Operational Procedures Plan will address the following:
   - schedule for tower crane erection;
   - schedule for tower crane dismantle;
   - hours of operation;
   - non-working hour procedures;

- heavy wind procedures (swing break);
- crane lighting provisions; and,
- helicopter flight communications procedures, including communications between Harborview Medical Center and the crane operator regarding incoming and outgoing flights.

The final details of the Plan will be defined in conjunction with Harborview Medical Center and helicopter operators and will be approved by DPD in consultation with Harborview Medical Center staff prior to commencement of construction. If DPD determines the approved Plan is not being followed, DPD can stop work on the project until such time as it appears likely the Plan can and will be effectively followed.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

2. During construction, the proponent shall follow the Helicopter/Tower Crane Operational Procedures Plan and coordinate with designated Harborview personnel regarding helicopter operations regarding construction crane timing. To further assure visibility of the crane to helicopter pilots, the crane shall contain lighting consistent with FAA standards.

Prior to Issuance of a Certificate of Occupancy and for the Life of the Project.

3. The building shall be built consistently to the one studied in the EIS process and designed to minimize the potential for wind turbulence and downdraft conditions thereby limiting the potential negative impacts on flight operations at the Harborview helipad. Included among these measures is a limitation of building height to 227 feet, limitation of building and penthouse shapes to essentially rectangular shapes and of penthouse heights to 15 feet in height above the building roof.

4. Antenna height shall be limited to five feet above the penthouse level unless additional wind turbulence information regarding the relationship between roof antenna and wind conditions and helicopter safety at the Harborview Medical Center helipad is submitted to, and approved by, the City of Seattle and Harborview officials.

5. A Transportation Management Plan shall be developed and maintained for the project. This plan shall be proposed to and approved by City staff prior to issuance of a Certificate of

Occupancy, and shall contain provisions as provided for in Director's Rule 14-2002. Measures to reduce single-occupancy vehicle use may include:

- Appointing a Building Transportation Coordinator (BTC).
- Providing a transportation information center.
- Locating carpool and vanpool spaces convenient to building and elevator entrances.
- Offering reduced rate parking for carpools and vanpools.
- Providing on-site, secure bike facilities.
- Providing on-site lockers and showers. (This makes commuting by bicycle or walking more feasible.)
- Offering ride match services through the BTC and through coordinated efforts with Metro/Sound Transit.
- Charging for parking at market rate to discourage single-occupancy vehicle use.
- Providing on-site accessory/convenience retail. (These kinds of facilities are important in reducing SOV use. When people can stay on-site to eat and run errands, they feel more comfortable about leaving their cars at home or at a park and ride.)
- Establishing a guaranteed ride-home program. (These programs are important to inducing people to carpool or use transit. When employees know they can get home in an emergency, they feel more comfortable using alternative commute modes.)
- Providing a pleasant, comfortable public space, conducive to pedestrian engagement; and providing good pedestrian connections to and through the site.
- The building design includes access to high speed and new technology lines and access. (This helps companies work with employees who want to telecommute, reducing the potential number of people who have to drive to work.)

The TMP Goal for single occupant vehicles shall be 45%.

CONDITIONS - DESIGN REVIEW

Prior to Issuance of MUP

6. The architectural expression, site plan, building and site materials proposed at the January 27, 2004 meeting shall be incorporated, substantially as shown at that meeting, in the buildings as constructed.

7. On the north elevation, the double granite clad columns shall extend down through the base structure.

8. On the 17th floor, west facing Terrace, the double round columns shall be replaced with single, round columns.

9. The proposed entry canopy is thought to be out of character in utilizing the sweeping curved sections on heavy steel supports. The project shall include a more horizontal, simple and clean expression for the canopy.

10. The expression of the column-like fins on the inset vertical accent element on the east elevation shall have a more dominant termination, by extending 5 feet over the maximum elevation of the penthouse roof.

Prior to Certificate of Occupancy

11. Construct a building with design, siting, façade materials and architectural details substantially the same as those presented in the plans submitted at the January 27, 2004 Design Review Board meeting and as conditioned in this Decision.

Signature: (signature on file) Date December 9, 2004
Scott Kemp, Senior Land Use Planner

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